

**MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
HELD MONDAY, JANUARY 6, 2014, 7:00 P.M.,
4TH FLOOR, CAFETERIA, GOVERNMENT CENTER
BUILDING, 888 WASHINGTON BLVD,
STAMFORD, CT 06901**

Present for the Board: Thomas Mills, Barry Michelson, Rosanne McManus, William Morris and Joanna Gwozdzowski. Present for staff: Norman Cole, Land Use Bureau Chief and David Killeen, Associate Planner

Chairman Mills called the meeting to order and opened the Public Hearing at 7:20 p.m.

Mr. Michelson made a motion to change the order of the agenda to begin with Application 213-31, seconded by Ms. McManus and unanimously approved 5 to 0 (Mills, Michelson, McManus, Morris and Gwozdzowski).

PUBLIC HEARING

1. **Application 213-31 – SEASIDE REAL ESTATE GROUP, LLC, 108, 114, 116 and 118 Seaside Avenue, Site & Architectural Plans and/or Requested Uses and Coastal Site Plan Review**, proposes to construct a 17 residential unit, 11,459 s.f. development located on properties known as 108, 114, 116 and 118 Seaside Avenue in an R-5 zone covering approximately 0.785 acres. Proposed demo of two existing buildings and construction of 4 new buildings with site and landscaping improvements.

Mr. Mills read the description of the Application into the record. Mr. Michelson read the Planning Board referral letter for the record.

John Pugliesi, P.E., for the Applicant, submitted the Certificate of Mailing.

Mr. Mills recommended this hearing be continued to January 13, 2014 to allow time for staff to clarify a concern with building heights. In response to a question from the public about why the hearing was going forward without specific information on drainage and traffic impacts, Mr. Killeen explained the issues that needed to be clarified.

Mr. Mills continued the Public Hearing on this item to January 13, 2014 at 7:00pm on the 7th floor, Land Use Conference Area, Government Center Building.

2. **Application 213-32 – Zoning Map Amendment – 110 LENOX, LLC**, to rezone approximately 10,525 s.f. of land currently zoned RM-1 (Multi-Family, Low Density Design District) to M-G (General Industrial District) (*continued from December 2, 2013*).

Mr. Mills read the description of the Application into the record and explained this was a continuation of the Public Hearing from December 2, 2013.

Attorney Hennessey described the Board of Reps appeal in 1985 to reverse the RM-1 rezoning. They reviewed the Board of Reps decision which revealed that the restored M-G zone line had been drawn inaccurately. Staff has written an updated correction to the Staff report dated 12/20/13, concluding that the current application is not necessary as the land is already zoned M-G.

The Zoning Board consensus was to agree that Staff should correct the Zoning Map in accord with staff drawings entitled "Corrected 1985 Zoning Map".

Mr. Mills asked for comments from the Public.

Michael Munley, 37 Lenox, asked for clarification how the error occurred. Mr. Cole explained the 1980 zone line that needed to be restored.

Susan Munley, 37 Lenox, asked for further clarification. Mr. Cole explained why the map correction needed to be done administratively.

Mr. Mills closed the Public Hearing on this item at 8:05pm.

3. **Application 213-33 – Zoning Map Amendment – RICHARD REDNISS, Saddle Rock Road**, to rezone approximately 8.35 acres from R-20 to RA-1 located on Saddle Rock Road in a coastal flood area in Block No. 25 (*continued from December 2, 2013*).

Mr. Mills read the description of the Application into the record and explained this was a continuation of the Public Hearing from December 2, 2013.

Richard Redniss, for the Applicant, noted that most comments made in opposition were inappropriate for a zone change. CAM applications all come to the Zoning Board and building plans aren't under review in a zone change. He identified the 7 lots included in the zone change and noted that he was willing to remove the Murphy lot from the zone change. Mr. Redniss said that individual houses have no impact on coastal flood heights. The Zoning Board can hold a hearing on any CAM application. He explained that the Murphy house is taller than RA-1 allows.

Mr. Morris asked for an explanation of why this is good zoning. Mr. Redniss explained it reduces density in a coastal flood hazard area. FEMA requires these houses be raised 9 feet ±; RA-1 allows an additional 5 feet height. It also provides positive benefit to the view corridors.

Kari Olson, Esq. representing the Kirby-Cullman property, submitted a memo explaining why this is good zoning. Most lots are an acre or nearly an acre in size. This is a high hazard flood zone. RA-1 doesn't prohibit expansion of houses on lots of less than an acre. Less development means less of a safety risk in a flood hazard area. Ms. Olson read a letter from Kirby-Cullman.

Mr. Redniss summarized his presentation and pointed out that basements aren't permitted in flood zones.

Mr. Mills called a 5 minute recess and resumed the public hearing on this item at 9:15pm.

Mr. Mills asked if anyone from the public wanted to comment.

Attorney Jane Freeman, representing Lillian Kraemer, 46 Saddle Rock Road, said 3 of 7 lots would be made non-conforming. She explained that a zone change must be in accord with a "Comprehensive Plan". She said the purpose of RA-1 is for large lots in a "rural setting". The purpose of zoning is to reduce non-conformities. She presented drawings showing the maximum size house that could be built under RA-1. The height issue should be solved with a variance, not a zone change.

Mr. Michelson asked what would be a more equitable way to solve the need for more height in a flood zone. Attorney Freeman said the issue should go to the ZBA. Otherwise everyone will want to be rezoned.

Mr. Morris asked if it was important to reduce the density in a flood zone. Attorney Freeman said yes, but this doesn't benefit the community as a whole.

Karen Murphy said Darien decided not to grant height increases and that Westport has allowed a limited height increase. Some of the lots are accessway lots with larger circle requirements and bigger setbacks. There is no subdivision potential therefore no density benefit. Mr. Redniss as signatory to the application is not an owner of property. The property is in Master Plan Category #2 which needs to be changed to a Category #1 to allow a RA-1 zone change. We were not told of a Planning Board meeting and denied an opportunity to speak in opposition to the Planning Board on this matter.

Ms. Lillian Kraemer, 46 Saddle Rock, said the zone change will not be a benefit to the Saddle Rock/Rogers Road neighborhoods.

Rachel Rangelov, 75 Saddle Rock, asked why they were excluded from the zone change.

Mr. Redniss stated he is a resident of Stamford and does own property at 21 First Street. He rebutted the comments by Karen Murphy and Attorney Freeman. A variance application before the ZBA must prove a unique hardship which is hard to demonstrate. RA-1 exists in Master Plan Category #2.

Attorney Kari Olson said the Stamford Charter defines the Master Plan as the guide for zone changes, not the "comprehensive plan". The zone change will have a positive impact on the view corridors. Amendments to zoning regulations can often create non-conformities and the non-conformities created here will have no practical effect.

Mr. Mills closed the Public Hearing on this item at 10:50pm.

REGULAR MEETING

Mr. Michelson made a motion to change the order of the agenda, seconded by Ms. McManus and unanimously approved 5 to 0 (Mills, Michelson, McManus, Morris and Gwozdzowski).

1. Application 213-32 – Zoning Map Amendment – 110 LENOX, LLC

Ms. McManus made a motion to authorize Staff to correct the Zoning Map back to pre-1985 zoning lines, seconded by Mr. Michelson and unanimously approved 5 to 0 (Mills, Michelson, McManus, Morris and Gwozdzowski).

Mr. Michelson made a motion to adjourn and carry forward all items on the regular meeting agenda to the next scheduled meeting, seconded by Ms. Gwozdzowski and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdzowski).

Mr. Mills adjourned the meeting at 10:55pm.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board